IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1136 (S/S) of 2007

Ghur Singh Bhainsora,
S/o late Nain Singh Bhainsora,
R/o Village and Post Ancholi,
Pithoragarh. **……. Petitioner.**

Versus

1. Deputy General Manager, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Ranikhet, Almora.

2. Adhishashi Abhiyanta, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Pithoragarh.

3. R.K. Singhal, Deputy General Manager, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Ranikhet, Almora.

4. P.C. Dewedi, Adhishashi Abhiyanta, Electricity Distribution Division, Uttarakhand Power Corporation Ltd. Pithoragarh.

…….. Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri B.S. Adhikari, learned counsel for the petitioner and Sri B.D. Upadhyay, learned counsel for Uttarakhand Power Corporation.

By means of this writ petition, petitioner has prayed for the following relief:

a. Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 02.08.2007 (Annexure No. 1) passed by Deputy General Manager for the petitioner.

b. *Pass any other order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

c. *Award cost throughout.*

By the impugned order dated 02.08.2007 passed by respondent no. 1 petitioner, who was working as Sub Station Operator (TG II) at Pithoragarh, has been transferred on administrative ground to Bageshwar on the same post and in same pay scale.

Sometimes, in the year 2004, departmental proceedings were initiated against the petitioner, for the charge of insubordination and indiscipline. Later on, petitioner has tendered unconditional apology. Now, by the impugned order petitioner has been transferred on administrative ground.

I do not find any illegality in the impugned order.

Learned counsel for the petitioner has submitted that in compliance of order dated 15.07.2007, petitioner has joined his duties on 23.07.2007 at Pithoragarh and by the impugned order dated 02.08.2007, he has again been transferred to Bageshwar. He is not against the transfer order but he may be adjusted in nearby place of District – Pithoragarh, in view of the fact that his mother is aged about 98 years and there is nobody except the petitioner to look after her. Further children of the petitioner are studying in Pithoragarh and in case, he is compelled to join the new place of posting, he will have to face lot of problems.

In these circumstances, I deem it fit and proper to direct the petitioner to make representation before respondent no.1

raising all his grievances within a period of ten days' from today and respondent no. 1 is directed to take decision on the representation of the petitioner within a period of two weeks from the date of production of certified copy of this order along with representation.

With this direction, writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 22, 2007
SKS